

EX-1147E OR LATE FILED
CITY OF CAPE CORAL

ORIGINAL



RECEIVED

JAN 27 1993

CITY MANAGER

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

January 25, 1993

Ms. Donna Searcy, Secretary
Federal Communications Commission
1919 M Street NW
Washington, D.C. 20554

Re: MM Docket NO. 92-263

Dear Ms. Searcy:

Enclosed are comments applicable to the FCC Customer Service Rulemaking Proceedings.

Sincerely,

Gary R. Caldwell
CATV Administrator

Enclosures (Original & 5 copies
sent Federal Express
on 1/26/93)

No. of Copies rec'd
List A B C D E

045

RECEIVED

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054

JAN 27 1995
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Implementation of Section 8 of)
the Cable Television Consumer)
Protection and Competition)
Act of 1992)

Consumer Protection and Customer)
Service)

MM Docket No. 92-263

TO: The Commission

REPLY COMMENTS OF The City of Cape Coral

The City of Cape Coral submits these reply comments in the above-captioned proceeding.

The City of Cape Coral has reviewed the comments submitted by the National Association of Telecommunications Officers and Advisors, National League of Cities, United States Conference of Mayors, and the National Association of Counties ("Local Governments") submitted in this proceeding. The City of Cape Coral believes that the comments filed by Local Governments accurately reflect the City of Cape Coral's position on the implementation of Section 8 of the Cable Television Consumer Protection and Competition Act of 1992 (the "1992 Act"). Accordingly, the City of Cape Coral concurs with the comments

filed by Local Governments and respectfully requests the Federal Communications Commission ("Commission: or "FCC") to consider carefully these comments.

The City of Cape Coral believes that the Commission should adopt a set of specific standards which will ensure adequate customer service throughout the country. The Commission-established standards should be self-executing and should apply to all cable systems as of the date of adoption of the standards by the FCC, without any further action to be taken by franchising authorities.

The general rule that the Commission-established standards will apply to all cable operators should be subject to three exceptions: (1) where a franchising authority determines to waive one or more of the FCC standards in favor of less stringent standards; (2) where the franchising authority has more stringent customer service standards already in place; or (3) where a franchising authority exercises its right to promulgate more stringent standards or standards not addressed by the FCC standards.

Franchising authorities should be primarily responsible for enforcing the Commission-established standards. The Commission, if necessary, could act as a final arbiter of disputes between franchising authorities and cable operators.

The City of Cape Coral believes that the Commission should establish comprehensive consumer protection rules. Customer service was a paramount concern of Congress in the

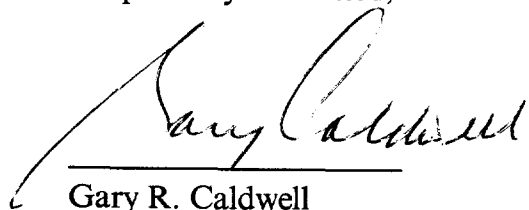
passage of the 1992 Act. The legislative history of the 1992 Act is replete with testimony from cable subscribers, consumer groups and franchising authorities documenting customer service problems -- problems that are evident in both large and small systems.

The City of Cape Coral urges the Commission not to adopt the NCTA standards. While the NCTA standards may provide a useful starting point in crafting a set of customer service standards, they are lacking in two key respects: they are neither stringent nor specific enough, and they do not address issues and areas that should be addressed, such as credits for a failure by the cable operator to keep a service call and credits for a failure by a cable operator to correct an outage or other reception problem promptly.

The City of Cape Coral believes that the approach proposed by Local Governments, as filed in their comments, will ensure adequate customer service for cable customers in the City of Cape Coral as well as throughout the country, and will not unreasonably burden cable operators.

The above comments are a staff opinion and do not necessarily represent the entire position of the governing body of the City of Cape Coral.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gary Caldwell", is written over a horizontal line.

Gary R. Caldwell
CATV Administrator
PO Box 150027
Cape Coral, FL 33915-0027